

COUNCIL

Meeting No 3
Monday 27 March 2017
Notice No 3/1583
Notice Date 23 March 2017

minutes

city of villages

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PRESENT

The Right Hon The Lord Mayor Councillor Clover Moore (Chair)

Councillors - Craig Chung, Christine Forster, Robert Kok, Jess Miller, Prof Kerry Phelps AM, Linda Scott, Jess Scully, Philip Thalys and Angela Vithoukias.

At the commencement of business at 5.02pm, those present were:-

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoukias.

The Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Director City Operations, Director Legal and Governance, Director City Planning, Development and Transport, Director City Life, Director City Engagement and Director City Projects and Property were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer and an acknowledgement of country.

ITEM 1 CONFIRMATION OF MINUTES

Moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the minutes of the meeting of Council of Monday 20 February 2017, as circulated to Councillors, be confirmed.

Carried unanimously.

ITEM 2 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 8.8 on the agenda, in that she is employed by the University of Sydney, which has been recommended for one grant and not recommended for another, but the section for which she works is not related to either of the grant proposals.

Councillor Craig Chung disclosed a less than significant, non-pecuniary interest in Item 9.8 on the agenda, in that he has an interest in a property in the general vicinity of the property under consideration.

Councillor Kerryn Phelps made three disclosures, as follows:

- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that a board member of Strata Community Australia (NSW) was also a Clover Moore Independent Team candidate at the Council election in 2016;
- a less than significant, non-pecuniary interest in Item 8.4 on the agenda, in that a person involved with the management of 107 Projects Incorporated made a donation of \$125 to the Clover Moore Independent Team campaign at the last City of Sydney election; and
- a less than significant, non-pecuniary interest in Item 8.9 on the agenda, in that, as is well known, Alex Greenwich MP is Co-Chair of Australian Marriage Equality and a long-time campaigner for marriage equality. Councillor Phelps said that she has a strong desire to see same-sex couples, including the many same-sex couples within the City of Sydney, being able to marry if they choose to do so. It is for that reason, and that reason only, she will be supporting the recommendation for this item.

Councillor Robert Kok made four disclosures, as follows:

- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that a board member of Strata Community Australia (NSW) was also a Clover Moore Independent Team candidate at the Sydney Council election in 2016;
- a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that it has been brought to his attention that former Councillor Jenny Green, who was his colleague in Council, became a board member of the Australian Design Centre, one of the recipients recommended for increased Accommodation Grant support;
- a less than significant, non-pecuniary interest in Item 8.4 on the agenda, in that a person involved with the management of 107 Projects Incorporated made a donation of \$125 to the Clover Moore Independent Team campaign, of which he is a member, at the last City of Sydney election; and
- a less than significant, non-pecuniary interest in Item 8.9 on the agenda, in that Alex Greenwich MP and I were candidates on the Clover Moore Independent Team for the 2012 City of Sydney election. Since then, he and Mr Greenwich have worked together in the interests of the people of Sydney. As is well known, Alex Greenwich is Co-Chair of Australian Marriage Equality and a long-time campaigner for marriage equality. Councillor Kok said that he had a very strong desire to see all same-sex couples being able to marry if they choose to do so. It is for that reason he will be supporting the recommendation for this item.

Councillor Philip Thalys made three disclosures, as follows:

- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that a board member of Strata Community Australia (NSW) was also a Clover Moore Independent Team candidate at the Council election in 2016;

- a less than significant, non-pecuniary interest in Item 8.4 on the agenda, in that a person involved with the management of 107 Projects Incorporated made a donation of \$125 to the Clover Moore Independent Team campaign at the last City of Sydney election, for which he (Councillor Thalys) stood; and
- a less than significant, non-pecuniary interest in Item 8.9 on the agenda, in that Alex Greenwich MP is Co-Chair of Australian Marriage Equality and a long-time campaigner for marriage equality, and was also a candidate for the Clover Moore Independent Team in 2012. Even though Councillor Thalys had no involvement with Mr Greenwich at that time, and does not work with him, members of the Clover Moore Independent Team do work closely with him in the interests of the people of Sydney.

Councillor Jess Scully made four disclosures, as follows:

- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that a board member of Strata Community Australia (NSW) was also a Clover Moore Independent Team candidate at the Council election in 2016;
- a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that, in her previous role at Vivid Sydney, she programmed all three organisations into her programs, and has had contact with them over the last 15 years as she has with more organisations in the creative industries;
- a less than significant, non-pecuniary interest in Item 8.4 on the agenda, in that a person involved with the management of 107 Projects Incorporated made a donation of \$125 to the Clover Moore Independent Team campaign in the 2016 Council election; and
- a less than significant, non-pecuniary interest in Item 8.9 on the agenda, in that Alex Greenwich MP is Co-Chair of Australian Marriage Equality and a long-time campaigner for marriage equality. Mr Greenwich was also a candidate for the Clover Moore Independent Team in 2012. While Councillor Scully did not work closely with Mr Greenwich at that time, or currently, she knows that other members of the Clover Moore Independent Team do work closely with him in the interests of the people of Sydney.

Councillor Jess Miller made three disclosures, as follows:

- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that a board member of Strata Community Australia (NSW) was also a Clover Moore Independent Team candidate at the Council election in 2016;
- a less than significant, non-pecuniary interest in Item 8.4 on the agenda, in that a person involved in the management of 107 Projects Incorporated made a donation of \$125 to the Clover Moore Independent Team campaign at the last City of Sydney election; and
- a less than significant, non-pecuniary interest in Item 8.9 on the agenda, in that Alex Greenwich MP is Co-Chair of Australian Marriage Equality and a long-time campaigner for marriage equality. Mr Greenwich was also a candidate for the Clover Moore Independent Team in 2012. Councillor Miller said that she does not work closely with Mr Greenwich, but knows that members of the Clover Moore Independent Team do.

Councillor Christine Forster disclosed a less than significant, non-pecuniary interest in Item 8.9 on the agenda, in that she has worked in the past, and will continue to work in the future, with members of Australian Marriage Equality. Councillor Forster said that she would gain a great benefit if marriage equality reform happened; she has become engaged to her partner, Virginia, but needs that reform to happen before they can marry. Councillor Forster added that it was an emotionally significant interest.

The Chair (the Lord Mayor) made four disclosures, as follows:

- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that a board member of Strata Community Australia (NSW) was also a member of the Clover Moore Independent Team at the Council election in 2016;
- a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that Jenny Green, who has recently become a board member of the Australian Design Centre, was on the Lord Mayor's team in the 2012 - 2016 period of Council;
- a less than significant, non-pecuniary interest in Item 8.4 on the agenda, in that a person involved with the management of 107 Projects Incorporated made a donation of \$125 to the Clover Moore Independent Team campaign at the last City of Sydney election; and
- a less than significant, non-pecuniary interest in Item 8.9 on the agenda, in that Alex Greenwich MP is Co-Chair of Australian Marriage Equality and a long-time campaigner for marriage equality. Mr Greenwich was also a candidate for the Lord Mayor's team in the 2012 Council election. Subsequently, the Lord Mayor endorsed Mr Greenwich to succeed her when the actions of the New South Wales Government made it impossible for her to continue as Lord Mayor and a Member of Parliament.

(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008

No disclosures were made by any members of the public at this meeting of Council.

ITEM 3 MINUTES BY THE LORD MAYOR

There were no Minutes by the Lord Mayor for this meeting of Council.

ITEM 4 MEMORANDA BY THE CHIEF EXECUTIVE OFFICER

There were no Memoranda by the Chief Executive Officer for this meeting of Council.

ITEM 5 MATTERS FOR TABLING

5.1 Disclosures of Interest

Moved by the Chair (the Lord Mayor), seconded by Councillor Phelps –

It is resolved that the Disclosures of Interest returns be received and noted.

Carried unanimously.

5.2 Petitions

DA/2016/839 for alterations to 203 Cleveland Street, Redfern

The following Petition (containing 128 signatures), of which notice was given by Councillor Forster, was laid on the table.

To the Councillors of the City of Sydney

The Petition of residents of William, George, Pitt, Stirling and Cleveland Streets Redfern NSW 2016.

Brings to the attention of the Councillors DA/2016/839 for alterations to 203 Cleveland Street Redfern for conversion to a backpackers hostel. We object to this conversion under four headings:

1. Neighbourhood amenity
2. Heritage
3. DA Conditions – eg exceeding building height limit, overshadowing of park and neighbouring houses
4. Contrary to Council's own Guidelines, which prohibits excess backpacker accommodation adjoining residential areas. See Control Plan 2012 section 4.4.8 objective d)

The undersigned petitioners therefore ask the Councillors to refuse the application and not allow the conversion of this important heritage property to a backpackers hostel.

Moved by the Chair (the Lord Mayor), seconded by Councillor Forster –

It is resolved that the Petition be received and noted.

Carried unanimously.

ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 20 MARCH 2017

PRESENT

Deputy Lord Mayor, Councillor Dr Kerryn Phelps AM
(Chair)

Councillors Craig Chung, Christine Forster, Jess Miller, Linda Scott, Jess Scully, Philip Thalys and Angela Vithoulikas.

At the commencement of business at 2.06pm those present were -

Councillors Chung, Forster, Miller, Phelps, Scott, Scully, Thalys and Vithoulikas.

Apologies

The Chair (the Lord Mayor) extended her apologies for her inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee.

Councillor Robert Kok extended his apologies for his anticipated late arrival at the meeting of the Corporate, Finance, Properties and Tenders Committee.

Moved by Councillor Phelps, seconded by Councillor Forster –

That the apologies from the Lord Mayor and Councillor Kok be accepted and leave of absence from the meeting be granted.

Carried unanimously.

Note. Councillor Kok had not arrived by the time the meeting concluded.

Sub-Committee

The meeting of the Economic Development and Business Sub-Committee, with Councillor Phelps as Chair, commenced at 2.18pm.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 2.25pm.

Report of the Corporate, Finance, Properties and Tenders Committee

Moved by Councillor Phelps, seconded by Councillor Scully -

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 20 March 2017 be received, and the recommendations set out below for Items 6.5 to 6.11 inclusive be adopted, with Item 6.1 being noted, and Items 6.2, 6.3 and 6.4 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 6.1**DISCLOSURES OF INTEREST**

No Councillors disclosed any pecuniary or non-pecuniary interest in any matter on the agenda for this meeting of the Corporate, Finance, Properties and Tenders Committee.

The Committee recommended the following:

ITEM 6.2**INVESTMENTS HELD AS AT 28 FEBRUARY 2017 (X005605)**

It is resolved that the Investment Report as at 28 February 2017 be received and noted.

At the meeting of Council, it was moved by Councillor Phelps, seconded by Councillor Kok -

That the recommendation of the Corporate, Finance, Properties and Tenders Committee be adopted.

Carried unanimously.

ITEM 6.3**CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT (S076403)**

It is resolved that Council adopt the Code of Conduct and the Procedures for the Administration of the Code of Conduct as shown in Attachments A and B to the subject report.

At the meeting of Council, it was moved by Councillor Phelps, seconded by Councillor Scully –

That the recommendation of the Corporate, Finance, Properties and Tenders Committee be adopted.

Carried unanimously.

ITEM 6.4**PROPOSED NAMING OF A PRIVATE LANE AT 18-32 OXFORD STREET, DARLINGHURST (X006676)**

It is resolved that:

- (A) approval be given to advertise, for a period of 14 days, the proposed name of Winns Lane for the private lane off Liverpool Street, Darlinghurst; and

- (B) a further report be submitted to Council, on the results of advertising the proposed name and the public consultation process, at the end of the required advertising period.

At the meeting of Council, it was moved by Councillor Phelps, seconded by Councillor Thalís –

That the recommendation of the Corporate, Finance, Properties and Tenders Committee be adopted.

Carried unanimously.

ITEM 6.5

EXEMPTION FROM TENDER – CAPABILITI LEARNING MANAGEMENT SYSTEM (S094474)

It is resolved that:

- (A) Council approve an exemption from tender for the extension of contract for the Capabiliti LMS system because, by reason of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note the reasons why a satisfactory result would not be achieved by inviting tenders are:
- (i) the implementation of a new integrated HR Information System, including Learning Management, is already underway; and
 - (ii) the extension of the contract with Veritec Pty Ltd will ensure continuity of Learning Management services during the transition to the new HRIS; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation to the contract with Veritec Pty Ltd for the purpose of supplying the Capabiliti LMS learning management system for a term of one year and for a contract sum as indicated in confidential Attachment A to the subject report, and otherwise on terms acceptable to the City.

Carried unanimously.

ITEM 6.6

EXEMPTION FROM TENDER – MERCURY E-RECRUITMENT SYSTEM (S075990)

It is resolved that:

- (A) Council approve an exemption from tender for the extension of contract for the Mercury E-Recruit system because, for extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note the reasons why a satisfactory result would not be achieved by inviting tenders are:

- (i) the implementation of a new integrated HR Information System, including Recruitment Management, is already underway; and
 - (ii) the extension of the contract with Mercury Search and Selection Pty Ltd will ensure continuity of recruitment management services during the transition to the new HRIS; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation to the contract with Mercury Search and Selection Pty. Ltd. for the purpose of supplying and upgrading the Mercury e-Recruit recruitment management system for a term of one year and for a contract sum as indicated in confidential Attachment A to the subject report, and otherwise on terms acceptable to the City.

Carried unanimously.

ITEM 6.7

EXEMPTION FROM TENDER - GREEN SQUARE CREATIVE CENTRE - ADDITIONAL CONTINGENCY FOR HEAD CONTRACTOR AND QUANTITY SURVEYOR CONTRACTS (\$118549.006)

It is resolved that Council:

- (A) approve an exemption from tender, in accordance with section 55(3)(i) of the Local Government Act 1993, for the contracts for the construction and quantity surveyor services, noting that, due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - (i) a Contractor for the construction works has already been appointed in accordance with the City's procurement processes;
 - (ii) within the current contract, a remediation subcontractor is to complete contract remediation works; and
 - (iii) the additional cost required to establish another remediation contractor on site is not considered value for money. If the work were separately contracted, it is not considered that better value for money or suitable timeframes would be achieved for Council;
- (C) approve increased contract contingency to the existing Head Contractor to cover extended construction work as described in confidential Attachment B to the subject report;
- (D) approve increased contract value for the existing Quantity Surveyor services to cover the extended construction period as described in confidential Attachment B to the subject report;
- (E) note the financial and contractual implications detailed in confidential Attachment B to the subject report; and

- (F) approve the budget shortfall to be brought forward from the South Sydney Hospital Stage 2 project forward estimates in 2022/23 into the 2016/17 financial year of this project.

Carried unanimously.

ITEM 6.8

TENDER - PANELS FOR STREET LIGHTING AND TRAFFIC SIGNALS (X005279)

It is resolved that:

- (A) Council accept the tenders of Tenderers 'A' and 'B' for inclusion on the Street Lighting Panel for a period of two years, with three additional annual extension options to be exercised at the City's discretion;
- (B) Council accept the tenders of Tenderers 'A' and 'B' for inclusion on the Traffic Signals Panel for a period of two years, with three additional annual extension options to be exercised at the City's discretion;
- (C) Council accept the tenders of Tenderers 'A', 'E' and 'B' for inclusion on the Combined Street Lighting and Traffic Signals Panel for a period of two years, with three additional annual extension options to be exercised at the City's discretion;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (E) authority be delegated to the Chief Executive Officer to exercise the options referred to in Clauses (A), (B) and (C), if appropriate, and negotiate the price to extend the contracts accordingly.

Carried unanimously.

ITEM 6.9

TENDER - REFURBISHMENT OF SMARTPOLES (X004010)

It is resolved that:

- (A) Council accept the tender of Tenderer 'A' for a period of three years, with two options for annual extensions at the City's discretion;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the options referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.10**TENDER - VENUE MANAGEMENT CATERING SERVICES (X003074)**

It is resolved that:

- (A) Council reject the tenders received for the venue management catering services, for the reasons set out in confidential Attachment A to the subject report;
- (B) Council not invite fresh tenders, as it is considered that inviting fresh tenders would not attract suitable companies over and above those that have responded to this tender;
- (C) Council note that entering into negotiations with the tenderers listed in confidential Attachment A will result in a better outcome for Council;
- (D) authority be delegated to the Chief Executive Officer to enter into negotiations, execute and contract with a suitably qualified company to supply the services relating to the tender, including the allocation of funds from the Business Development Fund associated with the existing catering agreement;
- (E) authority be delegated to the Chief Executive Officer to exercise the options referred to in the contract; and
- (F) Council be informed of the successful company by way of CEO update.

Carried unanimously.

ITEM 6.11**TENDER - MEALS ON WHEELS PRE-PACKED INDIVIDUAL COOK-CHILL AND FROZEN MEALS (S074367)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the provision of Meals on Wheels pre-packed individual cook-chill and frozen meals for a period of one year, with two optional extension periods of one year each, subject to satisfactory performance;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the options referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

Report of the Economic Development and Business Sub-Committee

Moved by Councillor Kok, seconded by Councillor Scully –

That the report of the Economic Development and Business Sub-Committee of its meeting of 20 March 2017 be received and the recommendations set out below for Items 6.12 and 6.13 be adopted.

Carried unanimously.

The Sub-Committee recommended the following:

ITEM 6.12

GRANTS AND SPONSORSHIP - ALLOCATION OF TWO BUSINESS IMPROVEMENT GRANTS 2016/17 (\$117676)

It is resolved that:

- (A) Council approve a cash grant of \$10,000 (excluding GST) under the Business Improvement Grant Program to Btmenterprises Pty Ltd for 207 Oxford Street, Darlinghurst;
- (B) Council approve a cash grant of \$8,500 (excluding GST) under the Business Improvement Grant Program to Deskspace Ventures Pty Ltd for 85 William Street, Darlinghurst; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy.

Carried unanimously.

ITEM 6.13

KNOWLEDGE EXCHANGE SPONSORSHIP - SPRINGBOARD ENTERPRISES AUSTRALIA (\$118695.003)

It is resolved that:

- (A) Council approve a final cash sponsorship of \$35,000 (excluding GST) and \$7,500 value-in-kind for venue hire per year to Springboard Enterprises Australia as Cornerstone Sponsor of the Early Stage Masterclass Program for three years from 2016/17, 2017/18 and 2018/19;
- (B) Council note that this will be the final sponsorship agreement with Springboard Enterprises; and
- (C) authority be delegated to the Chief Executive Officer to negotiate and enter into a sponsorship agreement with Springboard Enterprises Australia.

Carried unanimously.

ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 20 MARCH 2017

PRESENT

Deputy Lord Mayor, Councillor Prof Kerry Phelps AM
(Chair)

Councillor Jess Miller
(Deputy Chair)

Councillors Craig Chung, Christine Forster, Philip Thalys, Linda Scott, Jess Scully and Angela Vithoukas.

At the commencement of business at 2.26pm those present were -

Councillors Chung, Forster, Miller, Phelps, Thalys, Scott, Scully and Vithoukas.

Apologies

The Chair (the Lord Mayor) extended her apologies for her inability to attend the meeting of the Environment Committee.

Councillor Robert Kok extended his apologies for his anticipated late arrival at the meeting of the Environment Committee.

Moved by Councillor Miller, seconded by Councillor Phelps –

That the apologies from the Lord Mayor and Councillor Kok be accepted and leave of absence from the meeting be granted.

Carried unanimously.

Note. Councillor Kok had not arrived by the time the meeting concluded.

The meeting of the Environment Committee concluded at 4.34pm.

Report of the Committee

Moved by Councillor Miller, seconded by Councillor Scully -

That the report of the Environment Committee of its meeting of 20 March 2017 be received, and the recommendations set out below for Items 7.2, 7.3 and 7.6 be adopted, with Item 7.1 being noted, and Items 7.4, 7.5 and 7.7 being dealt with as shown immediately following those items.

Carried.

ITEM 7.1**DISCLOSURES OF INTEREST**

Councillor Jess Miller disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that a board member of Strata Community Australia (NSW) was also on the Clover Moore Independent Team ticket at the 2016 Council election. The board member has, however, not contacted her about this item.

Councillor Philip Thalys disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that a board member of Strata Community Australia (NSW) was also on the Clover Moore Independent Team ticket at the 2016 Council election. The board member has, however, not contacted him about this item.

Councillor Kerryn Phelps disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that a board member of Strata Community Australia (NSW) was also on the Clover Moore Independent Team ticket at the 2016 Council election. The board member has, however, not contacted her about this item.

Councillor Jess Scully disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that a board member of Strata Community Australia (NSW) was also on the Clover Moore Independent Team ticket at the 2016 Council election. The board member has, however, not contacted her about this item.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Environment Committee.

The Committee recommended the following:

ITEM 7.2**GRANTS AND SPONSORSHIP - ROUND FOUR ALLOCATION OF ANNUAL PROGRAMS 2016/17 - ENVIRONMENTAL PERFORMANCE GRANT PROGRAMS (\$117676)**

It is resolved that:

- (A) Council approve the cash grant and revenue foregone (VIK) recommendations for 2016/17 under the Environmental Performance - Building Operations Grant Program as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Strata Plan 46581	Cooling tower water sub-metering, 447 Kent St, Sydney	The installation of water sub-metering for cooling towers in a commercial office building in 447 Kent St, Sydney.	\$3,730	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Strata Plan 52634	Residential apartment water monitoring Dolphin Square, Cleveland St, Chippendale	Water monitoring for residential apartment building Dolphin Square, Cleveland St, Chippendale.	\$1,500	Nil
Strata Plan No. 57394	Residential apartment water monitoring, The Point Apartments, Point Street, Pyrmont	Water monitoring for residential apartment building The Point Apartments, Point Street, Pyrmont.	\$1,500	Nil

- (B) Council approve the cash grant and revenue foregone (VIK) recommendations for 2016/17 under the Environmental Performance - Ratings and Assessment Grant Program as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Strata Plan 46581	Level 2 energy audit, 447 Kent Street, Sydney	A detailed on-site energy audit to identify how and where there are potential energy efficiencies (known as a level 2 energy audit) to be undertaken at the commercial office building 447 Kent Street, Sydney.	\$4,500	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Strata Plan 87087	Residential apartment water and energy assessment, 6 Defries Avenue, Zetland	A water and energy assessment to be undertaken at 6 Defries Avenue, Zetland.	\$6,470	Nil
The Owners Dp 1067958	Residential apartment energy assessment Bullecourt Apartments, Pymont Street, Ultimo	An energy assessment to be undertaken at 444 Harris – 287 Pymont Street, Ultimo.	\$7,730	Nil

- (C) Council approve the cash grant and revenue foregone (VIK) recommendations for 2016/17 and 2017/18 forward estimate under the Environmental Performance - Innovation Grant Program as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Edge Environment Pty Ltd	Demonstration of Engineered Timber recovery in commercial buildings.	A demonstration project exploring the commercial viability of a new engineered timber product manufactured from recycled waste furniture removed from commercial offices. The project will identify the highest value re-use purpose for the material whilst addressing a significant waste stream in the CBD.	\$64,400 (16/17 – \$48,400) (17/18 - \$16,000)	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Energy Action (Australia) Pty Ltd	Multi-tenant NABERS ratings using embedded networks.	A demonstration project that will test a new and simpler method of data collection for NABERS Energy ratings. The project aims to enable landlords to rate all of their commercial tenants in buildings where energy consumption is known, leading to a substantial increase in the number of tenant and whole building ratings resulting in increased environmental performance initiatives.	\$20,000 (16/17 – \$18,000) (17/18 - \$2,000)	Nil
Investment Advantaged Software Pty Limited	Electric Vehicle Recharging in residential strata buildings	A feasibility study assessing electric vehicle recharging solutions in residential apartment building carparks.	\$20,000 (16/17 – \$18,000) (17/18 - \$2,000)	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
University Of Technology Sydney	Central Park Precinct Organics Management Feasibility Study	A feasibility study investigating organic waste management using an Anaerobic Digestion system at Central Park.	\$20,000 (16/17 – \$18,000) (17/18 - \$2,000)	Nil

- (D) Council note that all grant amounts are exclusive of GST and all VIK offered is subject to availability; and
- (E) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with each organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy.

Carried unanimously.

ITEM 7.3

KNOWLEDGE EXCHANGE SPONSORSHIP - STRATA COMMUNITY AUSTRALIA (NSW) ENVIRONMENTAL AWARD 2017 (X005020.002)

It is resolved that:

- (A) Council approve a cash sponsorship of \$6,000 (excluding GST) to Strata Community Australia (NSW) in support of the 2017 Strata Owners Environment Award; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Strata Community Australia (NSW).

Carried unanimously.

ITEM 7.4

KNOWLEDGE EXCHANGE SPONSORSHIP - GOOD ENVIRONMENTAL CHOICE AUSTRALIA - WASTE CONTRACTOR STANDARD (X005020.002)

It is resolved that:

- (A) Council approve a cash sponsorship of \$39,100 (excluding GST) to Good Environmental Choice Australia to support development of a waste services standard; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Good Environmental Choice Australia.

At the meeting of Council, it was moved by Councillor Miller, seconded by Councillor Scully -

That the recommendation of the Environment Committee be adopted.

Carried unanimously.

ITEM 7.5

FINAL ENVIRONMENTAL ACTION 2016 – 2021 STRATEGY AND ACTION PLAN - ADOPTION (S125908.008)

It is resolved that Council:

- (A) note the Consultation Report from public exhibition of the draft Strategy and Action Plan, as shown at Attachment A to the subject report;
- (B) adopt the final Environmental Action 2016 – 2021 Strategy and Action Plan, as shown at Attachment B to the subject report; and
- (C) note work is continuing on initiatives to accelerate implementation of Environmental Action 2016 – 2021 for consideration in the 2017/18 budget process and future budgets.

At the meeting of Council, it was moved by Councillor Miller, seconded by the Chair (the Lord Mayor) –

That the recommendation of the Environment Committee be adopted.

Carried unanimously.

ITEM 7.6

STREETSCAPE IMPROVEMENTS - COWPER WHARF ROAD WOOLLOOMOOLOO - APPROVAL OF PROJECT SCOPE (S123526)

It is resolved that Council approve the following scope of works for traffic treatments and streetscape improvements at Cowper Wharf Road, Woolloomooloo:

- (A) the installation of a signalised pedestrian crossing on Cowper Wharf Road, near the intersection with Brougham Street;
- (B) footpath widening to create an in-lane bus stop on the eastern side of Cowper Wharf Road; and
- (C) in-road tree planting and landscaping within the central median islands.

Carried unanimously.

ITEM 7.7**WILSON AND BURREN STREET CYCLEWAY (X001962)**

The Environment Committee decided that consideration of this matter be deferred to the meeting of Council on 27 March 2017.

At the meeting of Council, it was moved by Councillor Miller, seconded by Councillor Scully -

It is resolved that Council:

- (A) approve the amended scope of the Wilson and Burren Street cycleway and footpath improvements project, as described in the subject report and shown in the drawings in Attachments A and B to the subject report, and outlined in clauses (B), (C) and (D) below for progression to detailed design development, documentation and construction tender;
- (B) approve the refined design for the Burren Street cycleway at the Macdonaldtown Station entry as shown in Appendix A to the memo dated 27 March 2017 from the Director City Projects and Property and circulated prior to the meeting of Council;
- (C) approve that community consultation be undertaken on angled parking in Holdsworth and Randle Streets, and changes to parking restrictions as described in paragraph 25(d) of the subject report, which require Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) approval, be included in the project scope;
- (D) approve that community consultation be undertaken on the provision of drop off zones at Ivy Street and Carriageworks, which require LPCTCC approval, be included in the project scope;
- (E) note the estimated project costs as detailed in confidential Attachment C to the subject report; and
- (F) note that the project is subject to future funding from the Transport for NSW Active Transport Program.

Foreshadowed Motion. Councillor Forster foreshadowed that, should the motion be lost, she would move an alternative motion for deferral.

Amendment. Moved by Councillor Scott, seconded by Councillor Scully –

That the motion be amended, in clause (C), such that it read as follows:

- (C) approve that community consultation be undertaken on possibilities for retaining parking, on new opportunities for parking, and on changes to parking restrictions as described in paragraph 25(d) of the subject report, which require Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) approval, be included in the project scope;

The amendment was carried on the following show of hands –

Ayes (7) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully and Thalys.

Noes (3) Councillors Chung, Forster and Vithoukias.

Amendment carried.

The substantive motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

Noes (2) Councillors Chung and Forster.

Substantive motion carried.

Speakers

Mr Greg Edwards, Mr Andrew Wilson, Ms Kylie Winkworth, Ms Naomi Gold, Ms Christine Bouwman, Ms Jessica Shead, Mr Colin Fawcett, Mr Geoff Douglas, Mr Darren Mitchell, Mr Rob Berry, Mr David Borella and Ms Lisa Havilah addressed the meeting of the Environment Committee on Item 7.7.

ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 20 MARCH 2017**PRESENT**

Deputy Lord Mayor, Councillor Prof Kerry Phelps AM
(Chair)

Councillors Craig Chung, Christine Forster, Jess Miller, Philip Thalys, Linda Scott, Jess Scully and Angela Vithoukias.

At the commencement of business at 4.50pm those present were -

Councillors Chung, Forster, Miller, Phelps, Thalys, Scott, Scully and Vithoukias.

Apologies

The Chair (the Lord Mayor) extended her apologies for her inability to attend the meeting of the Cultural and Community Committee.

Councillor Robert Kok extended his apologies for his anticipated late arrival at the meeting of the Cultural and Community Committee.

Moved by Councillor Miller, seconded by Councillor Phelps –

That the apologies from the Lord Mayor and Councillor Kok be accepted and leave of absence from the meeting be granted.

Carried unanimously.

Note. Councillor Kok had not arrived by the time the meeting concluded.

Sub-Committees

Meetings of the following Sub-Committees of the Cultural and Community Committee commenced at the times shown below.

The Cultural and Creative Sub-Committee, with Councillor Scully as Deputy Chair, commenced at 4.52pm.

The Healthy Communities Sub-Committee, with Councillor Phelps as Chair, commenced at 5.17pm.

Order of Business

The Cultural and Community Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 8.9 be brought forward and dealt with before Item 8.6.

The meeting of the Cultural and Community Committee and all its Sub-Committees concluded at 5.29pm.

Report of the Cultural and Creative Sub-Committee

Moved by Councillor Scully, seconded by Councillor Thalís –

That the report of the Cultural and Creative Sub-Committee of its meeting of 20 March 2017 be received, and the recommendations set out below for Items 8.2 to 8.4 inclusive be adopted, with Item 8.1 being noted, and Item 8.5 being dealt with as shown immediately following that item.

Carried unanimously.

ITEM 8.1**DISCLOSURES OF INTEREST**

Councillor Philip Thalís disclosed a less than significant, non-pecuniary interest in Item 8.4 on the agenda, in that it has been brought to his attention that someone involved in the management of 107 Projects Incorporated made a \$25 donation to the Clover Moore Independent Team.

Councillor Jess Scully disclosed a less than significant, non-pecuniary interest in Items 8.2, 8.4 and 8.5 on the agenda, in that as part of her work in the creative industries she has worked with the management team of the Music Council of Australia Limited and 107 Projects Incorporated, both of which have been recommended for grants.

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 8.8 on the agenda, in that she is employed by the University of Sydney, which has been recommended for one grant and not recommended for another, but not in the section related to the grants in any way.

Councillor Kerryn Phelps disclosed a less than significant, non-pecuniary interest in Item 8.9 on the agenda, in that she would gain an existential benefit from the success of Australian Marriage Equality's campaign.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Cultural and Community Committee.

The Cultural and Creative Sub-Committee recommended the following:

ITEM 8.2**INCREASED SUPPORT FOR ACCOMMODATION GRANT RECIPIENTS AFFECTED BY FUNDING CUTS (\$123783)**

It is resolved that:

- (A) Council approve an increase in the Accommodation Grant subsidy from 80 per cent to 90 per cent for Australian Design Centre's tenancy at 101 – 111 William Street and 113 – 115 William Street, Darlinghurst to the value of \$247,853 from 23 March 2017, requiring Australian Design Centre to pay \$27,539 (plus GST) in total rent until the lease ends on 22 March 2018; and

- (B) Council an increase in the Accommodation Grant subsidy for Music Council of Australia Pty. Limited's tenancy at 104 Erskineville Road, Erskineville to the value of \$72,087 from 1 April 2017, requiring Music Australia to pay \$17,333 (plus GST) in total rent until the lease ends on 31 December 2021 as detailed below:

Year	Market Rent	Current Subsidy	Proposed Subsidy	Proposed Rent Payable	Proposed Grant Value
1 Apr – 31 Dec 2017	\$13,256	45%	100%	\$0	\$13,256
1 Jan – 31 Dec 2018	\$18,205	45%	90%	\$1,821	\$16,385
1 Jan – 31 Dec 2019	\$18,751	45%	80%	\$3,750	\$15,001
1 Jan – 31 Dec 2020	\$19,314	45%	70%	\$5,794	\$13,520
1 Jan – 31 Dec 2021	\$19,893	45%	70%	\$5,968	\$13,925
				Total Rent Payable: \$17,333	Total Proposed Grant Value: \$72,087

- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with each organisation approved for an Accommodation Grant on terms consistent with this resolution and in accordance with the Grants and Sponsorship Policy.

Carried unanimously.

Speakers

Ms Lisa Cahill and Ms Cara Anderson addressed the meeting of the Cultural and Community Committee (Cultural and Creative Sub-Committee) on Item 8.2.

ITEM 8.3

KNOWLEDGE EXCHANGE SPONSORSHIP - 360 VISION - SCREEN NSW (X008802)

It is resolved that:

- (A) Council approve a cash sponsorship of \$20,000 (excluding GST) to Screen NSW for the presentation of 360 VISION in Sydney in April 2017; and

- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Screen NSW.

Carried unanimously.

ITEM 8.4

ACCOMMODATION GRANT PROGRAM 2016/17 - ALLOCATION OF JOYNTON AVENUE CREATIVE CENTRE (X003604)

It is resolved that:

- (A) Council approve 107 Projects Incorporated be provided with an Accommodation Grant for the Joynton Avenue Creative Centre at 100 per cent subsidy (valued at \$242,500 excluding GST per annum) for a three year period, commencing on the completion of construction works;
- (B) Council note that the market rental value is calculated with an annual increase of 3 per cent per annum and excludes GST;
- (C) upon review by the City, 107 Projects Incorporated be provided with a two year option based on assessment of the organisation meeting or exceeding agreed performance criteria, with any further subsidy to be reported back to Council prior to the option exercise period; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with 107 Projects Incorporated on terms consistent with this resolution and in accordance with the Grants and Sponsorship Policy.

Carried unanimously.

Speakers

Ms Jess Cook addressed the meeting of the Cultural and Community Committee (Cultural and Creative Sub-Committee) on Item 8.4.

ITEM 8.5

KNOWLEDGE EXCHANGE SPONSORSHIP - CONTEMPORARY MUSIC ROUNDTABLE - MUSIC AUSTRALIA (S122193)

It is resolved that:

- (A) Council approve cash sponsorship of \$20,000 (excluding GST) and value-in-kind of up to \$5,782 (excluding GST) to the Music Council of Australia Pty. Limited for the 2017 Contemporary Music Roundtable conference under the Knowledge Exchange Sponsorship Program; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with the Music Council of Australia Pty. Limited on terms consistent with clause (A).

Note. The recommendation of the Cultural and Community Committee was not adopted.

At the meeting of Council, it was moved by Councillor Scully, seconded by Councillor Miller -

It is resolved that:

- (A) Council approve cash sponsorship of \$20,000 (excluding GST) and value-in-kind of up to \$8,640 (excluding GST) to the Music Council of Australia Pty. Limited for the 2017 Contemporary Music Roundtable conference under the Knowledge Exchange Sponsorship Program; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with the Music Council of Australia Pty. Limited on terms consistent with clause (A).

Carried unanimously.

Report of the Healthy Communities Sub-Committee

Moved by Councillor Phelps, seconded by Councillor Thalys -

That the report of the Healthy Communities Sub-Committee of its meeting of 20 March 2017 be received, and the recommendations set out below for Items 8.6, 8.7 and 8.9 be adopted, with Item 8.8 being dealt with as shown immediately following that item.

Carried unanimously.

The Healthy Communities Sub-Committee recommended the following:

ITEM 8.6

SUPPORT FOR MAJOR EVENT - SPONSORSHIP OF CITY2SURF 2017 – 2019 (S086660-01.001)

It is resolved that:

- (A) Council approve cash and value-in-kind (VIK) sponsorship of City2Surf up to a maximum value of \$25,000 cash (excluding GST) and \$35,000 VIK (excluding GST) in 2017, \$10,000 cash (excluding GST) and \$35,000 VIK (excluding GST) in 2018, and \$35,000 VIK (excluding GST) in 2019; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Fairfax Media in support of this event in 2017, 2018 and 2019.

Carried unanimously.

Speakers

Mr Chris Secker addressed the meeting of the Cultural and Community Committee (Healthy Communities Sub-Committee) on Item 8.6.

ITEM 8.7**KNOWLEDGE EXCHANGE SPONSORSHIP - UNIVERSITY OF NEW SOUTH WALES CITY FUTURES RESEARCH CENTRE - GREEN SQUARE, ASHMORE AND SURROUNDS COMMUNITY SURVEY 2017 (\$112458.012)**

It is resolved that:

- (A) Council approve a cash sponsorship of \$40,000 (excluding GST) to City Futures Research Centre for the My Place Local Community Survey 2017 in the City South Area;
- (B) Council note the applicant intends to conduct two further follow-up surveys in the period to 2021 to track changes in social cohesion over time, and will make separate funding applications at the appropriate time; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with City Futures Research Centre, University of New South Wales.

Carried unanimously.

Speakers

Dr Hazel Easthope addressed the meeting of the Cultural and Community Committee (Healthy Communities Sub-Committee) on Item 8.7.

ITEM 8.8**GRANTS AND SPONSORSHIP - ROUND FOUR ALLOCATION OF ANNUAL PROGRAMS 2016/17 - MATCHING GRANTS (\$117676)**

It is resolved that:

- (A) Council approve the cash grant and revenue foregone (VIK) recommendations for 2016/17 under the Matching Grant Program as follows:

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Asylum Seekers Centre Incorporated	Breaking Bread and Barriers Lunch Program	A program of meal services prepared by local community members and Asylum Seekers Centre clients from culturally diverse backgrounds in Newtown.	\$9,020	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Australian Youth Climate Coalition Limited	State Training Camp	A training camp in the City of Sydney area for young people to equip them with skills and knowledge to take action on climate change.	\$9,000	Nil
E Jigalin & L.g Nightingale trading as BackStage Music	BackStage Music	An artist-run series of concerts held at Creative Space 99, Crown Street, pairing established and emerging musicians to create a new piece of classical music.	\$3,500	Nil
Fusion Culture Group	ALL of US	Workshops and performances in Ultimo and Haymarket exploring the body language of different cultural groups to foster connection and inclusion.	\$8,000	Nil
Glebe Public School as auspice for Glebe Kidz Club	Glebe Kidz Club	A community run afterschool program in Glebe for primary aged children and their families particularly focused on the local department of housing population.	\$5,000	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Gunawirra Limited	Pregnant Aboriginal Mums Groups	Pre-natal classes and care packages for Aboriginal pregnant mothers connected to the RPA Aboriginal Maternity Unit in Camperdown.	\$10,000	Nil
Head On Foundation Limited	(Head) On Your Bike	Bicycle tours to Head On Photo Festival 2017 exhibitions throughout Sydney CBD, Paddington and Darlinghurst incorporating artist/curator talks and a social event at the conclusion.	\$7,000	Nil
Heartdancers	Guwing Bayabuba, promoting and enhancing Aboriginal culture in young people	A variety of sports and movement classes for Indigenous children held in Redfern.	Nil	Venue Hire fee waiver to the value of \$1,014
Malaysia Fest	60 years of diversity, 60 years of unity	A festival celebrating Malaysian culture to be held at Pyrmont Bay.	Nil	Street Banner hire fee waiver to the value of \$3,500
National Centre Of Indigenous Excellence Limited	After school Program	A Redfern based after school program for Indigenous primary school aged children which celebrates identity and develops skills.	\$6,600	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
Navitas Professional Institute Pty Ltd trading as Australian College of Applied Psychology	Artful Inclusion: Involving socially isolated residents of the Ultimo/Pymont area in the cultural production associated with the Uptown Festival 2017	Artistic workshops for socially isolated residents of Ultimo and Pymont leading to a public performance at the Uptown Festival in October 2017.	\$4,000	Nil
Accessible Arts as auspice for Self Help Arts	Neural Pathways 2017	A program of workshops, exhibitions and training held in Redfern to raise awareness about living and working with disabilities and mental health issues.	\$8,000	Nil
St Francis Social Services	The Greenlight Movement	A recruitment and training initiative held in Paddington to attract volunteers to teach young people at risk of homelessness how to drive.	\$9,000	Nil
The Returned Services League Of Australia	2017 Indigenous Veterans' Commemoration Service	A military and community commemoration service of Indigenous veterans held in Hyde Park.	\$5,500	Nil

Applicant	Project Name	Project Description	\$ Amount Recommended	VIK Recommended
University Of Sydney	2071: a theatre and digital/video performance event about climate change by Prof. Chris Rapley & Duncan Macmillan plus associated events program	A theatre performance originally produced in London staging the words of a leading Climate Scientist to build awareness of the scientific facts behind climate change, featuring an installation of digital mapping, an original score by a Sydney composer and young performers at the Seymour Centre.	\$8,000	Nil
Youth Food Movement Australia Ltd.	The Cookluck Club	The launch and implementation of an online platform to encourage young people to address food waste.	\$10,000	Nil

- (B) Council note that all grant amounts are exclusive of GST and all VIK offered is subject to availability; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with each organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy.

At the meeting of Council, it was moved by Councillor Phelps, seconded by Councillor Scott –

That the recommendation of the Cultural and Community Committee be adopted.

Amendment. Moved by Councillor Scott, seconded by Councillor Chung –

That the motion be amended by the addition of clause (D) as follows:

- (D) the CEO be requested to negotiate with the Anzac Day Dawn Service Trust Incorporated to see what further support the City can provide for the ANZAC Day Dawn Service and report back via the CEO Update.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Chung, Forster and Scott.

Noes (7) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully, Thalys and Vithoulkas.

Amendment lost.

The motion was carried unanimously.

ITEM 8.9

REQUEST TO EXTEND ACCOMMODATION GRANT TO AUSTRALIAN MARRIAGE EQUALITY (\$116523)

It is resolved that:

- (A) Council approve the extension of the current Accommodation Grant to Australian Marriage Equality for a retail space at 122 Oxford Street, Darlinghurst, from the present expiry date of 31 March 2017 to a new expiry date of 30 June 2017, which represents a value of up to \$13,274 (exclusive of GST) in foregone market rent;
- (B) Council approve the extension of the current Accommodation Grant to Australian Marriage Equality for a furnished and fitted out office space on Level 10, 307 Pitt Street, Sydney, from the present expiry date of 31 March 2017 to a new expiry date of 31 December 2017, which represents a value of up to \$66,909 (exclusive of GST) in foregone market rent;
- (C) Council note that the City will continue to work with Australian Marriage Equality to address the organisation's accommodation needs; and
- (D) authority be delegated to the Chief Executive Officer to amend the current Accommodation Grant agreements with Australian Marriage Equality referred to in clauses (A) and (B).

Carried unanimously.

Speakers

Ms Janine Middleton addressed the meeting of the Cultural and Community Committee (Healthy Communities Sub-Committee) on Item 8.9.

ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 20 MARCH 2017

PRESENT

The Deputy Lord Mayor Councillor Prof Kerryn Phelps AM
(Chair)

Councillors Craig Chung, Christine Forster, Jess Miller, Linda Scott, Jess Scully, Philip Thalís and Angela Vithoukás.

At the commencement of business at 5.30pm those present were:

Councillors Chung, Forster, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

Councillor Vithoukás left the meeting of the Planning and Development Committee at 5.47pm, during discussion on Item 9.4, and returned at 5.50pm, during discussion on Item 9.5.

Apologies

The Chair (the Lord Mayor) extended her apologies for her inability to attend the meeting of the Planning and Development Committee.

Councillor Robert Kok extended his apologies for his anticipated late arrival at the meeting of the Planning and Development Committee.

Moved by Councillor Thalís, seconded by Councillor Scully -

That the apologies from the Lord Mayor and Councillor Kok be accepted and leave of absence from the meeting be granted.

Carried.

Note. Councillor Kok had not arrived by the time the meeting concluded.

Adjournment

At 6.17pm, it was moved by Councillor Phelps, seconded by Councillor Thalís -

That the meeting of the Planning and Development Committee be adjourned for approximately 10 minutes.

Carried.

At the resumption of the meeting of the Planning and Development Committee at 6.31pm, those present were:

Councillors Chung, Forster, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

Sub-Committees

Meetings of the following Sub-Committees of the Planning and Development Committee commenced at the times shown below.

The Transport, Heritage and Planning Sub-Committee, with Councillor Thalís as Deputy Chair, commenced at 5.32pm.

The Major Development Assessment Sub-Committee, with Councillor Phelps as Chair, commenced at 6.31pm.

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 6.40pm.

ITEM 9.1

DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Craig Chung disclosed a less than significant, non-pecuniary interest in Item 9.8 on the agenda, in that he has an interest in a property in the vicinity of the property, the subject of the development application.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Planning and Development Committee.

(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008

No disclosures were made by any members of the public at this meeting of the Planning and Development Committee.

Report of the Transport, Heritage and Planning Sub-Committee

Moved by Councillor Thalís, seconded by Councillor Phelps -

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 20 March 2017 be received, with Item 9.1 being noted, the recommendations set out below for Items 9.3 to 9.7 inclusive being adopted, and Item 9.2 being dealt with as shown immediately following that item.

Carried unanimously.

ITEM 9.2

TRAFFIC TREATMENT - SHARED ZONE WITH ONE-WAY CONTROL - NAVINS LANE PORTMAN LANE MERTON STREET ZETLAND (S115558-02)

The Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 27 March 2017.

At the meeting of Council, it was moved by Councillor Thalís, seconded by Councillor Scott -

It is resolved that Council approve:

- (A) that City of Sydney staff seek approval from Roads and Maritime Services (RMS) for a Shared Zone in Navins Lane between Portman Lane and Portman Street, Portman Lane between Merton Street and Navins Lane, and Merton Street between Portman Street and Portman Lane with the existing two-way traffic flow retained; and
- (B) that City of Sydney staff monitor these Shared Zones for a period of 12 months, if approved, to review the traffic and safety conditions resulting from the proposal.

Carried unanimously.

Speakers

Mr Dominic Lane addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.2.

ITEM 9.3

PUBLIC EXHIBITION – 397-399 CLEVELAND STREET AND 2-38 BAPTIST STREET, REDFERN, SURRY HILLS SHOPPING VILLAGE – PLANNING PROPOSAL, SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT AND PLANNING AGREEMENT (X003324)

It is resolved that:

- (A) Council approve Planning Proposal: Sydney Local Environmental Plan – 397-399 Cleveland Street and 2-38 Baptist Street, Redfern, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: Sydney Local Environmental Plan – 397-399 Cleveland Street and 2-38 Baptist Street, Redfern, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve Sydney Development Control Plan 2012 – 397-399 Cleveland Street and 2-38 Baptist Street, Redfern, shown at Attachment B to the subject report, for public authority consultation and public exhibition with the Planning Proposal and Planning Agreement;
- (D) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Greater Sydney Commission of all the functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect Planning Proposal: Sydney Local Environmental Plan – 397-399 Cleveland Street and 2-38 Baptist Street, Redfern;

- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: Sydney Local Environmental Plan – 397-399 Cleveland Street and 2-38 Baptist Street, Redfern and Sydney Development Control Plan 2012: 397-399 Cleveland Street and 2-38 Baptist Street, Redfern, as required by the Greater Sydney Commission’s Gateway Determination or to correct minor drafting errors;
- (F) authority be delegated to the Chief Executive Officer to prepare a Planning Agreement in accordance with the Environmental Planning and Assessment Act 1979 with the following terms:
 - (i) construction and dedication of new open space area in the south-western corner;
 - (ii) construction and dedication of new laneway towards the southern boundary;
 - (iii) construction and dedication of a public footpath along Marriott Street;
 - (iv) sustainability measures where BASIX affected development is rated at least 5 points above the minimum State-mandated BASIX points target for energy and water, 4 star Green Star for the supermarket and exceeding Section J of the National Construction Code for other commercial and retail uses; and
 - (v) community bus service for the duration of construction;
- (G) the Planning Agreement be exhibited in conjunction with the Planning Proposal and the development control plan amendment for the site; and
- (H) authority be delegated to the Chief Executive Officer to make any minor variations to the voluntary planning agreement after its exhibition and to subsequently enter into the Agreement, on behalf of Council, with the landowner.

Carried unanimously.

ITEM 9.4

HERITAGE FLOOR SPACE: AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012, SYDNEY DEVELOPMENT CONTROL PLAN 2012 AND THE ALTERNATIVE HERITAGE FLOOR SPACE ALLOCATION SCHEME (X008656)

It is resolved that:

- (A) Council approve Planning Proposal: Heritage Floor Space – Amendments to Sydney Local Environmental Plan 2012, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: Heritage Floor Space – Amendments to Sydney Local Environmental Plan 2012, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve Draft Sydney Development Control Plan 2012 – Heritage Floor Space Amendments, shown at Attachment B to the subject report, for public exhibition in parallel with the Planning Proposal;

- (D) Council approve the amended Alternative Heritage Floor Space Allocation Scheme, shown at Attachment C to the subject report, for public exhibition in parallel with the Planning Proposal;
- (E) Council seek authority from the Greater Sydney Commission to exercise its delegation under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan;
- (F) authority be delegated to the Chief Executive Officer to make any minor changes, and any changes required by the Greater Sydney Commission, to the Planning Proposal, the draft Development Control Plan amendment and the amended Alternative Heritage Floor Space Allocation Scheme prior to the public exhibition; and
- (G) Council note that, following consideration of any submissions, and any modifications as necessary, the Planning Proposal, the draft Development Control Plan amendment and the amended Alternative Heritage Floor Space Allocation Scheme will be reported back to Council for final approval.

Carried unanimously.

ITEM 9.5

AFFORDABLE RENTAL HOUSING REVIEW – PUBLIC EXHIBITION – PLANNING PROPOSAL AND AFFORDABLE HOUSING PROGRAM (X008764)

It is resolved that:

- (A) Council approve Planning Proposal: Affordable Housing Review, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal: Affordable Housing Review for public authority consultation and public exhibition in accordance with any conditions required in the Gateway Determination;
- (C) Council seek authority from the Greater Sydney Commission to exercise its delegation under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan;
- (D) Council approve Draft City of Sydney Affordable Housing Program, shown at Appendix A of Attachment A to the subject report, for public exhibition with the Planning Proposal and in accordance with the Gateway Determination;
- (E) authority be delegated to the Chief Executive Officer to make minor changes, including any changes required by the Greater Sydney Commission as a condition of the Gateway Determination to the Planning Proposal: Affordable Housing Review and Draft City of Sydney Affordable Housing Program to prepare them for public exhibition; and

- (F) Council note that, following consideration of any submissions, and any modifications as necessary, Planning Proposal: Affordable Housing Review and Draft City of Sydney Affordable Housing Program will be reported back to Council for final approval.

Carried unanimously.

Speakers

Mr Chris Johnson addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.5.

ITEM 9.6

REPORT OF THE OPERATIONS OF THE SECTION 82A AND SECTION 96AB REVIEW PANEL - 2016 (S111724)

It is resolved that the subject report be received and noted.

Carried unanimously.

ITEM 9.7

FIRE SAFETY REPORTS (S105001)

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to G to the subject report;
- (C) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 725-731 George Street, Haymarket, as detailed in Attachment B;
- (D) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 730-742 George Street, Haymarket, as detailed in Attachment C;
- (E) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 344 Bulwara Road, Ultimo, as detailed in Attachment D;
- (F) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 49-55 Dixon Street, Haymarket, as detailed in Attachment E;
- (G) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 309-315 George Street, Sydney, as detailed in Attachment F; and

- (H) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 12-20 Rosebank Street, Darlinghurst, as detailed in Attachment G.

Carried unanimously.

Adjournment

At this stage of the meeting, at 6.25pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok -

That the meeting be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of Council, at 6.45pm, those present were –

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

Recording of Council Meeting

At this stage of the meeting, the Chair (the Lord Mayor) advised Council that a request had been received from Lisa Visentin of The Sydney Morning Herald to record the meeting of Council.

Moved by the Chair (the Lord Mayor), seconded by Councillor Forster –

That permission be granted for Lisa Visentin of The Sydney Morning Herald to record the meeting of Council.

Carried.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Thalís, seconded by Councillor Kok-

That the report of the Major Development Assessment Sub-Committee of its meeting of 20 March 2017 be received, with the recommendations set out below for Items 9.8, 9.9 and 9.11 to 9.13 inclusive being adopted, and Item 9.10 being dealt with as shown immediately following that item.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

ITEM 9.8**DEVELOPMENT APPLICATION: 165-167 RILEY STREET DARLINGHURST (D/2016/1699)**

It is resolved that:

- (A) the request to vary the development standard for height in the Sydney Local Environmental Plan 2012, pursuant to Clause 4.6, not be supported; and
- (B) development consent be refused for Development Application No. D/2016/1699 for the following reasons:
 - (1) The development proposes primary windows on the north elevation and west elevation. Without any easement for light and air, the development fails to provide secure internal residential amenity. In this regard, it fails to satisfy:
 - (a) State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.
 - (b) Clause 6.4 Design excellence of Sydney Local Environmental Plan 2012.
 - (c) Clause 4.2.3 Amenity of Sydney Development Control Plan 2012.
 - (2) The proposed development is excessive in height, bulk and scale. In this regard, it fails to satisfy:
 - (a) Clause 4.3 Height of buildings of Sydney Local Environmental Plan 2012.
 - (b) Clause 4.6 Exceptions to development standards of Sydney Local Environmental Plan 2012.
 - (c) Clause 5.10 Heritage conservation of Sydney Local Environmental Plan 2012.
 - (d) Clause 6.4 Design excellence of Sydney Local Environmental Plan 2012.
 - (e) Clause 3.2.2 Address the street and public domain of Sydney Development Control Plan 2012.
 - (f) Clause 3.9 Heritage of Sydney Development Control Plan 2012.
 - (g) Clause 3.13 Social and Environmental Responsibilities of Sydney Development Control Plan 2012.
 - (h) Clause 4.2.1 Building height of Sydney Development Control Plan 2012.
 - (i) Clause 4.2.2 Building setbacks of Sydney Development Control Plan 2012.
 - (3) The proposal will result in adverse heritage impacts and fails to satisfy:
 - (a) Clause 5.10 Heritage conservation of Sydney Local Environmental Plan 2012.

- (b) Clause 3.9 Heritage of Sydney Development Control Plan 2012.

In particular, the proposal does not maximise conservation of original fabric of 'Oxford Hall' heritage item. The proposed development will substantially appear as a new building and fails to conserve the significant original fabric. The proposed form detracts from the Victorian Free classical style of the item.

- (4) The proposed development does not provide adequate space for waste and recycling receptacles. In this regard it fails to satisfy:
- (a) Clause 3.14 Waste of Sydney Development Control Plan 2012.
- (b) Clause 4.2.6 Waste minimisation of Sydney Development Control Plan 2012.
- (c) City of Sydney Code for Waste Minimisation in New Developments 2005.

Carried unanimously.

Speakers

Mr Bernard Pollak and Mr Chris Adams addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.8.

ITEM 9.9

DEVELOPMENT APPLICATION: 17 ROSS STREET FOREST LODGE (D/2016/751)

It is resolved that consent be refused for Development Application No. D/2016/751 for the following reasons:

- (1) The proposal is an overdevelopment of the site and is not in the public interest contrary to Section 79C(e) of the Environmental Planning and Assessment Act 1979.
- (2) The proposal fails to demonstrate compliance with the controls and standards for boarding houses specified in the SEPP (Affordable Rental Housing) 2009 and Section 4.4.1 of the Sydney Development Control Plan 2012 (Sydney DCP 2012) and has insufficient information in regard to flooding and surveying requirements.
- (3) The proposal does not provide for bicycle parking as per the requirements in the SEPP (Affordable Rental Housing) 2009 and Sydney DCP 2012.
- (4) No BASIX certificate has been submitted as per SEPP (Building Sustainability Index: BASIX) 2004 as part of the application nor sufficient information required to satisfy State Environmental Planning Policy 55 - Remediation of Land.
- (5) The proposal fails to exhibit design excellence, as it does not achieve a high standard of architectural design, material and detailing appropriate to the site and surrounding area. The proposal does not result in good internal amenity and design and, as such, does not comply with Clause 6.21 of Sydney Local Environmental Plan 2012.

- (6) The proposal exceeds the maximum floor space ratio under Clause 4.4 of Sydney Local Environmental Plan 2012 and SEPP (Affordable Rental Housing) 2009, resulting in an overdevelopment of the site, and an inappropriate scale and intensity of development. The proposal has not demonstrated that compliance with the floor space ratio development standard is unreasonable or unnecessary or that there are sufficient environmental planning grounds to justify contravening the development standards. The proposal fails to achieve a better outcome by contravening the floor space ratio development standard and therefore fails to satisfy Clause 4.6 of Sydney Local Environmental Plan 2012.
- (7) The proposal exceeds the height in storeys control under section 4.2.1 and does not comply with the internal floor to ceiling heights and floor to floor heights of Section 4.2.1.2 of the Sydney DCP 2012.
- (8) The proposal does not satisfy the requirements for amenity, building setbacks, waste minimisation, as well as heating and cooling infrastructure, as stipulated in Section 4.2 of the Sydney DCP 2012 for mixed use developments.
- (9) The proposal does not exhibit integration with the surrounds and will result in detrimental privacy and noise impacts to the residential property located to the rear of the site at 181 St Johns Road.

Carried unanimously.

ITEM 9.10

DEVELOPMENT APPLICATION: 422-424 KENT STREET AND 275-277 CLARENCE STREET SYDNEY (D/2016/853)

It is resolved that, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/853, subject to the conditions as detailed in Attachment A to the subject report.

Note – The recommendation of the Planning and Development Committee was not adopted.

At the meeting of Council, it was moved by Councillor Thalys, seconded by Councillor Kok -

It is resolved that, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/853, subject to the conditions as detailed in Attachment A to the subject report to the Planning and Development Committee on 20 March 2017, subject to the amendment of the period of time nominated to satisfy the Deferred Commencement Conditions (Part A) with the Deferred Commencement Conditions (Part A) amended to read as follows (with additions shown in ***bold italics*** and deletions in ~~***strikethrough***~~):

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following conditions ***is are*** satisfied, within ~~**12**~~ **24** months of the date of this determination:

(1) DESIGN MODIFICATIONS

The design of the basement and ground level of the building must be modified to address the following:

Car parking

- (a) Amended plans shall be submitted to illustrate the deletion of all residential and the hotel car parking shown on drawings 1101 Rev E, 1102 Rev E and 1103 E dated 16/06/2016 prepared by Crone.

Servicing

- (b) Amended plans and additional information shall be submitted showing all commercial (hotel and retail) servicing to be undertaken wholly on site.

A revised basement level loading dock design shall be submitted which incorporates an area for vehicles to turn around. The area to be provided shall be designed to meet the requirements of the Australian Standards and be in accordance with Sections 3.11.6 and 3.11.13 of the Sydney DCP 2012. A swept path analysis is to be undertaken to show how the largest vehicle (maximum dimensions 6.4m with a minimum clearance of 3.5m) can turn around within the site and enter and exit the subject site.

Waste collection

- (c) Amended plans shall be submitted demonstrating residential waste collection shall be from Clarence Street. A residential waste storage room shall be provided on the Clarence Street frontage and shall be located within a 10m travel distance from the waste collection point. The revised design shall not impact on the activation of the Clarence Street frontage.
- (d) An amended plan shall be submitted showing a non-residential waste storage room provided in the basement.

Flood levels

- (e) The recommendations of the Flood Impact Study prepared by Calibre Consulting dated 24 February 2017 shall be incorporated into the final design modifications required to address the parking, servicing and waste issues as detailed in parts (a) to (c) above.

The recommendation of the Flood Impact Study requires a 50mm increase in the Clarence Street frontage to a 100 Year Flood Level of 17.85m AHD. No further height shall be added to the building as a result of the modification.

Heritage interpretation devices

- (f) An amended plan shall be submitted showing the following:

An interpretation device, a selection of structural elements and materials are to be retained and utilised as an interpretive measure within the new building. The components retained should include at least one of the king post trusses at 422 Kent Street and the supporting stone plinth blocks, cast iron and timber posts and beams from 277 Clarence Street. Timber flooring and pressed metal ceilings should be retained and reused as exposed finishes.

Amended plans to address the above shall be submitted to and approved by Council's Director of City Planning, Development and Transport.

(2) SYDNEY TRAINS

Sydney Trains has provided the following concurrence conditions under the provisions of Clause 88 of State Environmental Planning Policy (Infrastructure) 2007:

- (a) The owners of the site of the approved development must enter into a Deed of Agreement with TfNSW prior to issue of any Construction Certificate to address the adverse effects of the approved development on the CBDRL identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement must provide for the following:
 - (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in conditions (c) to (m) below;
 - (ii) allowances for the future construction of railway tunnels in the vicinity of the approved development;
 - (iii) allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety and the like to and from railway operations;
 - (iv) consultation with TfNSW;
 - (v) access by representatives of TfNSW and Sydney Trains to the site of the approved development and all structures on that site;
 - (vi) provision to TfNSW and Sydney Trains of drawings, reports and other information related to the design, construction and maintenance of the approved development;
 - (vii) creation of a restrictive covenant on each of the titles which comprise the approved project so as to satisfy condition (j) below;
 - (viii) such other matters which TfNSW and Sydney Trains considers are appropriate to give effect to (i) to (vii) above; and
 - (ix) such other matters as the owners and TfNSW and Sydney Trains may agree.

- (b) All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBDRL must be designed, constructed and maintained in accordance with design criteria specified by TfNSW.
- (c) The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW. The developer shall develop their foundation design, and any encroachment into the Exclusion Zones as indicated in drawing 482749-261 Rev 2. Cross Sectional drawings showing the proposed basement excavation and structural design of sub ground support adjacent to the rail corridor should be included for the proposed foundations. All ground anchors and rockbolts within the CBDRL protection zone adjacent to the bulk excavation face shall be temporary anchors, or removable type or fibreglass type, to avoid obstruction of any future CBDRL construction.
- (d) Prior to issue of any construction certificate the developer must undertake detailed geotechnical analysis to the satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBDRL.
- (e) No modifications may be made to that the approved design without the consent of TfNSW.
- (f) A detailed regime is to be prepared for consultation with, and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.
- (g) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (h) All requirements contained in the Agreement between TfNSW and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
- (i) Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records.
- (j) Prior to the commencement of any excavation below existing ground level, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the proposed Sydney Metro the prior written consent of TfNSW.

- (k) All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of noise and vibration from (future) railway operations. The Applicant is to submit a report to Sydney Trains for review demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guideline". The assessment must consider noise and vibration from future underground rail; tunnel construction and operation. The Proponent must incorporate in the development all the measures recommended in the report.
 - (l) Prior to the issue of a Construction Certificate the applicant is to engage an Electrolysis Expert to submit a report to Sydney Trains on Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.
 - (m) Any contamination issues encountered during the development of the site are to be resolved taking cognizance of the future railway.
- Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **12 24 months** of the date of this determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.
 - The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
 - Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B – Conditions of Consent (Once the Consent is in Operation), and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

Carried unanimously.

ITEM 9.11

DEVELOPMENT APPLICATION: 17 RALPH STREET ALEXANDRIA (D/2016/198)

It is resolved that a deferred commencement consent be granted to Development Application No. D/2016/198, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.

ITEM 9.12

DEVELOPMENT APPLICATION: 501-509 BOTANY ROAD ZETLAND AND 511-515 BOTANY ROAD ZETLAND (D/2014/1757)

It is resolved that:

- (A) authority be delegated to the Central Sydney Planning Committee (CSPC) to determine Development Application No. D/2014/1757; and
- (B) if the CSPC determines to approve Development Application No. D/2014/1757, then pursuant to Sections 80(1)(b) and 80(3) of the Environmental Planning and Assessment Act, the CSPC consider a deferred commencement condition which requires the modification of D/2013/1947 to remove Building 11C from that consent, the draft conditions of consent, as detailed in the report to the Planning and Development Committee on 4 August 2015 in relation to D/2014/1757, as shown at Attachment A to the subject report, and any other relevant updated or revised conditions.

Carried unanimously.

ITEM 9.13

DEVELOPMENT APPLICATION: 15-31 PARKER STREET HAYMARKET (D/2016/417)

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD;
- (B) the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable or unnecessary in this instance;
- (C) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary this instance; and
- (D) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/417, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.

ITEM 10 QUESTIONS ON NOTICE**LOSS OF PARKING SPACES WITHIN THE LGA (\$129269)**

1. By Councillor Forster

Question

Since 2012, how many on-street car parking spaces and loading zones have been removed in the City of Sydney local government area as a result of the construction of separated cycleways? How many more on-street parking spaces and loading zones will be removed as a result of planned separated cycleway projects, broken down by individual project?

Since 2012, how many on-street car parking spaces and loading zones have been removed in the City of Sydney local government area as a result of streetscape improvement projects and footpath widening projects, broken down by individual project?

Answer by the Lord Mayor

There are approximately 39,000 spaces in the LGA and losses since 2012 constitute about 0.8% of these spaces. Projects always aim to minimise on-street parking losses.

Since 2012, approximately 150 car parking spaces and six loading zone spaces have been removed as a result of the separated cycleways completed or under construction. A further 111 spaces will be removed as a result of cycleway projects currently in planning or design.

Since 2012, approximately 38 car parking spaces and two loading zone spaces have been removed as a result streetscape improvement and footpath widening projects completed or under construction. A further 13 spaces will be removed as a result of streetscapes projects currently in planning or design.

These losses include projects implemented by other organisations such as by Roads and Maritime Services.

LORD MAYOR EXPENSES (\$129269)

2. By Councillor Forster

Question

Earlier in March, it was reported in the media that Acting Local Government Chief Executive Tim Hurst had written to the City of Sydney's CEO ordering Council to take urgent action over the lack of governance surrounding approval of the Lord Mayor's \$3.6 million annual office budget. It was also reported that Minister for Local Government Gabrielle Upton had given Council three weeks to "get its house on order." What steps have been taken by the Lord Mayor to respond to these concerns?

Answer by the Lord Mayor

I have been advised by the CEO that a revised draft Policy has been provided to the Office of Local Government for review. On completion of the review process, the Policy will be submitted to Council for consideration.

WESTCONNEX LEGAL COSTS (\$129269)

3. By Councillor Forster

Question

The City has commenced two sets of proceedings in the Land and Environment Court objecting to the amount of compensation offered by Roads and Maritime Services (RMS) for land being compulsorily acquired from the City for the purposes of the WestConnex project. One objection relates to RMS's offer of compensation for leasehold interests compulsorily acquired in parts of Sydney Park from the City. The second objection relates to RMS's offer of compensation for a freehold interest RMS has compulsorily acquired in 67A Bourke Road from the City. The land acquired forms part of the proposed Alexandra Canal Cycleway. The City is seeking more compensation than RMS has offered in both cases.

How much will the prosecution of these two legal proceedings cost? How much additional compensation is the City of Sydney seeking?

Answer by the Lord Mayor

Information regarding these legal proceedings is confidential and cannot be provided in response to a question on notice. Councillors will be kept informed of progress of the proceedings via CEO Update.

DISCLOSURE LOG (\$129268)

4. By Councillor Chung

Question

1. Is there a requirement under the Government Information (Public Access) Act 2009 (GIPA Act) for a public agency to maintain a Disclosure Log for formal disclosures under the GIPA Act and to display that log on its website?
2. Would the City of Sydney be in breach of the GIPA Act if it did not maintain a Disclosure Log for formal disclosures under the GIPA Act and display that log on its website?
3. Is there a time following a formal disclosure at which the online publicly available Disclosure Log no longer needs to be available or accurate?
4. When was the City of Sydney online publicly available Disclosure Log last updated?
5. Have there been any requests for information made pursuant to the Government Information (Public Access) Act 2009 (GIPA Act) since the commencement of the GIPA Act and up to 1 July 2011 and since 23 April 2015?

If so:

- a. How many?
- b. Please provide a summary of the requests lodged since the commencement of the GIPA Act and up to 1 July 2011 and since 23 April 2015;

6. Have there been any formal releases of information pursuant to the GIPA Act since the commencement of the GIPA Act and up to 1 July 2011 and since 23 April 2015?

If so:

- a. How many?
- b. Please provide a summary of the formal releases of information made since the commencement of the GIPA Act and up to 1 July 2011 and since 23 April 2015.

Answer by the Lord Mayor

A Disclosure Log is required by the *Government Information (Public Access) Act 2009*. Agencies are not required to publish all disclosures, only those they consider may be of interest to other members of the public. The log is not intended as a list of all formal access applications and there is no legislated timeframe for including or removing items.

The City's Disclosure Log was last updated in March 2017. It is available on the City's website at: <http://www.cityofsydney.nsw.gov.au/council/our-responsibilities/access-to-information/open-access-information>

There have been 248 formal access applications received up to 1 July 2011 and since 23 April 2015. There have been 8,860 informal access requests received since 23 April 2015.

The number of formal applications and informal requests is published in the City's Annual Report – Operational Plan Report. More details of formal access applications are published annually in the City's Annual Report – Statutory Returns. The links to these reports can be found at: <http://www.cityofsydney.nsw.gov.au/council/forms-and-publications/annual-report>. Relevant pages are: 2014/15 Operational Report p. 76, 2015/16 Operational report p.70, 2014/15 Statutory Returns p.67, 2015/16 Statutory Returns p. 70.

Of formal applications received, most were by consent dealt with informally. Most related to individual development applications. Of the remainder requests, the following are regular themes:

- slips, trips and falls information by lawyers
- copies of complaints from neighbours and about small businesses
- investigation reports and recommendations
- council policies and guidelines, and
- requests relating to council expenditure.

A breakdown of categories, numbers in each and summary information relevant to formal access decisions made is published annually in the City's Annual Report – Statutory Returns. Common themes for formal applications are the same as for requests. Formal disclosures considered of interest to members of the public are published on the Disclosure Log.

The CEO will provide a summary of formal access applications lodged and formal releases of information since the commencement of the GIPA ACT and up to 1 July 2011 and since 23 April 2015 to Councillors via the CEO Update.

GREEN ROOFS AND COMMUNITY GARDENS (S129275)

5. By Councillor Scott

Question

I refer to the motion as passed by Council on 26 August 2013, entitled, "GREEN ROOFS AND COMMUNITY GARDENS (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

The 22 Questions on Notice numbered 5 - 27 refer to decisions made by Council during the period August 2013 to December 2016. Rather than authorising a distinct and ongoing program of work, many of the decisions:

- note the status of particular activities being undertaken by the City;
- request the provision of additional information to Councillors by way of CEO Update or briefing; or
- authorise the formal communication of matters of concern to external stakeholders/authorities.

These matters do not require the allocation of ongoing resources or budget.

In a number of instances, your requests for information have been addressed by way of answer to a previously submitted Question on Notice.

Should any matters raised by you remain outstanding these may be found in the "Ongoing Council Meeting Actions" report which is provided to Councillors via the CEO Update.

COMMUNITY PARTIES (S129275)

6. By Councillor Scott

Question

I refer to the motion as passed by Council on 9 December 2013, entitled, "COMMUNITY PARTIES (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

UNLOCKING VACANT BUILDINGS FOR AFFORDABLE HOUSING (S129275)

7. By Councillor Scott

Question

I refer to the motion as passed by Council on 12 May 2014, entitled, "UNLOCKING VACANT BUILDINGS FOR AFFORDABLE HOUSING (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

SYDNEY GLBTI MUSEUM ARCHIVAL SPACE (S129275)

8. By Councillor Scott

Question

I refer to the motion as passed by Council on 12 May 2014, entitled, "SYDNEY GLBTI MUSEUM ARCHIVAL SPACE (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

GREEN SQUARE (S129275)

9. By Councillor Scott

Question

I refer to the motion as passed by Council on 28 July 2014, entitled, "GREEN SQUARE (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

BAYS PRECINCT URBAN RENEWAL PROJECT (S129275)

10. By Councillor Scott

Question

I refer to the motion as passed by Council on 25 August 2014, entitled, "BAYS PRECINCT URBAN RENEWAL PROJECT (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

WATERLOO PUBLIC HOUSING (S129275)

11. By Councillor Scott

Question

I refer to the motion as passed by Council on 3 November 2014, entitled, "WATERLOO PUBLIC HOUSING (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

ABORIGINAL AND TORRES STRAIT ISLANDER DUAL NAMING AND ACKNOWLEDGEMENT OF COUNTRY SIGNAGE (S129275)

12. By Councillor Scott

Question

I refer to the motion as passed by Council on 8 December 2014, entitled, "ABORIGINAL AND TORRES STRAIT ISLANDER DUAL NAMING AND ACKNOWLEDGEMENT OF COUNTRY SIGNAGE (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

RAINBOW FAMILIES KIT (S129275)

13. By Councillor Scott

Question

I refer to the motion as passed by Council on 23 February 2015, entitled, "RAINBOW FAMILIES KIT (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

VICTORIA PARK, CAMPERDOWN (S129275)

14. By Councillor Scott

Question

I refer to the motion as passed by Council on 30 March 2015, entitled, "VICTORIA PARK, CAMPERDOWN (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

URBAN CO-HOUSING (S129275)

15. By Councillor Scott

Question

I refer to the motion as passed by Council on 10 August 2015, entitled, "URBAN CO-HOUSING (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

CLEANING UP WOOLLOOMOOLOO (S129275)

16. By Councillor Scott

Question

I refer to the motion as passed by Council on 10 August 2015, entitled, "CLEANING UP WOOLLOOMOOLOO (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

REDFERN / WATERLOO COMMUNITY COLLABORATION COMMITTEE (S129275)

17. By Councillor Scott

Question

I refer to the motion as passed by Council on 26 October 2015, entitled, "REDFERN / WATERLOO COMMUNITY COLLABORATION COMMITTEE (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

LIMITED MULTIDAY VISITOR PARKING PERMITS STUDY (S129275)

18. By Councillor Scott

Question

I refer to the motion as passed by Council on 16 May 2016, entitled, "LIMITED MULTIDAY VISITOR PARKING PERMITS STUDY (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

MARKETS POLICY (S129275)

19. By Councillor Scott

Question

I refer to the motion as passed by Council on 16 May 2016, entitled, "MARKETS POLICY (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

WATERLOO PUBLIC HOUSING SUPPORT (S129275)

20. By Councillor Scott

Question

I refer to the motion as passed by Council on 11 April 2016, entitled, "WATERLOO PUBLIC HOUSING SUPPORT (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

PYRMONT BRIDGE (S129275)

21. By Councillor Scott

Question

I refer to the motion as passed by Council on 21 March 2016, entitled, "PYRMONT BRIDGE (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

DEFIBRILLATORS AT CITY'S SPORTING FIELDS (S129275)

22. By Councillor Scott

Question

I refer to the motion as passed by Council on 27 June 2016, entitled, "DEFIBRILLATORS AT CITY'S SPORTING FIELDS (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

MULTICULTURAL STRATEGY FOR THE FUTURE (S129275)

23. By Councillor Scott

Question

I refer to the motion as passed by Council on 25 July 2016, entitled, "MULTICULTURAL STRATEGY FOR THE FUTURE (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

WENTWORTH PARK (S129275)

24. By Councillor Scott

Question

I refer to the motion as passed by Council on 25 July 2016, entitled, "WENTWORTH PARK (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

CYCLIST SIGNAGE (S129275)

25. By Councillor Scott

Question

I refer to the motion as passed by Council on 25 July 2016, entitled, "CYCLIST SIGNAGE (S103133)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

24 HOUR PUBLIC TOILETS AND PUBLIC SHOWERS (S129275)

26. By Councillor Scott

Question

I refer to the motion as moved at Council on 21 November 2016, entitled, "24 HOUR PUBLIC TOILETS AND PUBLIC SHOWERS (S129266)", and the City's opening of its public toilets 24 hours.

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

SAFETY MAPPING SERVICES (S129275)

27. By Councillor Scott

Question

I refer to the motion as passed by Council on 12 December 2016, entitled, "SAFETY MAPPING SERVICES (S129266)".

Broken down by year, please specify the budgets provided, if any, to the relevant motion which have received funding in the past financial years.

Please specify the budgets provided, if any, to the relevant motion which will receive funding in the coming financial year.

Please detail City actions taken to progress this motion.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice 5.

MARTIN PLACE MEMORIAL (S129275)

28. By Councillor Scott

Question

I refer to the planned permanent Martin Place Memorial to commemorate the victims of the Lindt Café Shooting of December 2014.

Broken down by year, how much funding has or will the City contribute to the Memorial?

When does the City expect the Memorial to be completed?

Answer by the Lord Mayor

The Martin Place Memorial is being implemented by the NSW Government. The City has not been asked for funding but is supporting the NSW Government to undertake this project, providing necessary council and technical advice.

GREEN LIVING CENTRE (\$129275)

29. By Councillor Scott

Question

Broken down by year, how much funding has the City contributed to the Green Living Centre for the past 10 years?

How much funding has the City allocated the Green Living Centre for the coming financial year 2017/18?

Answer by the Lord Mayor

The City has contributed the following funding to the Green Living Centre, which included free access to the shopfront (218 King St. Newtown) as in-kind contribution over the last 10 years.

	Cash contribution	In-Kind contribution (Use of property)
2007/8	\$123 960	\$100 000
2008/9	\$129 538	\$100 000
2009/10	\$130 000	\$100 000
2010/11	\$133 510	\$100 000
2011/12	\$138 000	\$100 000
2012/13	\$142 140	\$100 000
2013/14	\$145 835	\$100 000
2014/15	\$175 000	\$140 000
2015/16	\$178 500	\$140 000
2016/17	\$181 251	\$140 000
Total	\$1 477 734	\$1 120 000

The budget for 2017/18 is currently being finalised and will be presented to Council at the May meeting.

STREET TREE PROGRAM (\$129275)

30. By Councillor Scott

Question

I refer to the City's street tree program, as part of the City's tree maintenance program.

Broken down by location, how many street trees has the City approved to be planted over the 2016 and 2017 calendar years?

Broken down by location, how many street trees has the City approved to be removed over the 2016 calendar year?

Answer by the Lord Mayor

Staff have compiled the street tree removal and planting work undertaken by the City, broken down by suburb, as outlined in the table below.

Suburb	Tree Plantings approved – 2016 and 2017 calendar years	Tree Removals - 2016 calendar year
Alexandria	82	43
Annandale	2	-
Beaconsfield	13	6
Camperdown	42	22
Centennial Park	8	3
Chippendale	23	12
Darlinghurst	83	35
Darlington	38	15
Dawes Point	4	3
Elizabeth Bay	18	6
Erskineville	62	28
Forest Lodge	19	2
Glebe	103	39
Haymarket	28	12
Millers Point	4	2
Newtown	36	14
Paddington	15	17
Potts Point	24	10
Pyrmont	43	13
Redfern	47	34
Rosebery	76	29
Rushcutters Bay	10	2
St Peters	2	2
Surry Hills	123	38
Sydney	137	32
Ultimo	31	8
Waterloo	68	29

Suburb	Tree Plantings approved – 2016 and 2017 calendar years	Tree Removals - 2016 calendar year
Woolloomooloo	16	7
Zetland	65	39
Total	1222	502

SEPARATED CYCLEWAY PROGRAM (S129275)

31. By Councillor Scott

Question

I refer to the City's separated cycleway program.

Broken down by year and project, please detail the City's expenditure on separated cycleways.

Broken down by year and project, please detail the contributions of State and Federal Governments on separated cycleways in the City.

Answer by the Lord Mayor

The data requested is being extracted by staff and will be reported to Councillors via the CEO Update.

WESTCONNEX (S129275)

32. By Councillor Scott

Question

Can the Lord Mayor please provide copies of the performance outcomes for each grant given to the community organisations that relate to WestConnex?

Please provide details of which grants have, and have not, been acquitted, with reasons.

Answer by the Lord Mayor

Performance outcomes for grants provided to WestConnex Action Group and No WestConnex Public Transport Inc relate to increasing public awareness and understanding of Westconnex and associated issues.

Grant recipients must acquit prior grants before further grants are provided by the City.

NON-RESIDENTIAL ROLL (S129275)

33. By Councillor Scott

Question

Can the Lord Mayor please enquire with the NSW Electoral Commission as to what proportion of the City's non-residential voters did not vote at the September 2016 elections; how many have been issued a fine; what the projected revenue to be raised by the government will be; and report back these figures via CEO update?

Answer by the Lord Mayor

Information about the number of non-resident voters who failed to vote at the September 2016 elections was provided to Councillors via the CEO Update on 17 March 2017 (refer p.55 of Item 2.3). The CEO will seek a response from the NSW Electoral Commission about the additional information you have requested.

COMMUNICATIONS (S129275)

34. By Councillor Scott

Question

Broken down by year, how many City of Sydney social media posts, flyers and direct mail, billboards and emails featured the Lord Mayor for the financial years of 2014/15 and 2015/16?

Broken down by year, what is the total cost of the City's social media posts, flyers and direct mail, billboards and emails that featured the Lord Mayor for the financial years of 2014/15 and 2015/16?

Broken down by social media posts, flyers or direct mail, billboards and emails, what is the cost of the City's social media posts, flyers and direct mail, billboards and emails that featured the Lord Mayor for the financial years of 2014/15 and 2015/16?

Answer by the Lord Mayor

The NSW Local Government Act provides for the Lord Mayor as the leader of the City, to be the principal spokesperson for the Council, to carry out the civic and ceremonial functions of the office, and to represent the council (section 226). As I routinely attend and officiate at City events, I appear in many official photographs and reports on the city's work.

In each of the 2014/15 and 2015/16 financial years, the City produced and sent out six Business, 12 Creative City and 12 Green Villages electronic emails to subscribers. City billboards were campaign-led material and did not feature the Lord Mayor.

In 2014/15, there were 17 flyers and direct mail items about City programs, projects, policies and decisions of Council that featured a message from the Lord Mayor. These cost approximately \$140,000 to print and distribute. The equivalent figures for 2015/16 are 25 items that cost approximately \$180,000 to print and distribute.

The City does not have technology to scan through the thousands of social media posts during the two year period. The City's social media posts promote the City's work, events and programs. I have my own social media channels.

ITEM 11 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

There were no supplementary answers to previous Questions on Notice for this meeting of Council.

ITEM 12 NOTICES OF MOTION

SOLAR POWERED RUBBISH COMPACTING BINS (S129260)

1. Moved by Councillor Forster, seconded by Councillor Kok -

It is resolved that:

(A) Council note:

- (i) there are approximately 800 City of Sydney public street bins located across the local government area, most with a capacity of 90 litres;
- (ii) each year 6,000 tonnes of waste is collected by the City of Sydney from street and park bins across the local government area;
- (iii) street bins located in high pedestrian areas are emptied up to six times per day;
- (iv) other councils, including the City of Melbourne and Canada Bay Council, have begun the installation of solar powered rubbish compacting bins;
- (v) each of these bins has a capacity of 600 litres, more than six times that of common street litter bins;
- (vi) the bins compact rubbish as it is collected, reducing by five the number of collections required compared with a standard public street bin;
- (vii) the bins use cloud technology to alert Council staff when they require emptying, reducing the need for physical monitoring and eliminating waste overflow; and
- (viii) the utilisation of these bins provides a number of environmental and economic benefits, including a reduction in rubbish collection truck movements by up to 80 per cent, resulting in lower greenhouse gas emissions, a decrease in traffic congestion, fuel savings and reduced waste management costs; and

(B) the Chief Executive Officer be requested to:

- (i) investigate options for the installation and trial of a number of solar powered rubbish compacting bins in the City of Sydney local government area; and
- (ii) report back to Councillors via a CEO Update on the results of that investigation at the earliest opportunity.

Carried unanimously.

CITY OF SYDNEY DASHBOARD (\$129260)

2. Moved by Councillor Forster, seconded by Councillor Chung -

It is resolved that:

(A) Council note:

- (i) the municipal governments of many major cities around the world have implemented “dashboard” digital technology, which combines real-time official, observational and social media data onto a single screen for viewing on computers and smart phones;
- (ii) the information provided covers areas such as updates on public transport, traffic, weather, air quality, social media trends, local news and public events;
- (iii) a City of Sydney Dashboard would provide the 1.2 million residents, businesses, students and visitors the City serves each day with valuable real-time information about what is going on around the local government area;
- (iv) at the City of Sydney Council meeting of 29 June 2015, I moved a motion requesting the Chief Executive Officer investigate the possibility of developing and implementing a City of Sydney Dashboard;
- (v) this motion was then amended and it was unanimously resolved that the CEO write to the Department of Premier and Cabinet advocating the NSW Government investigate the feasibility of establishing a Sydney Dashboard; and
- (vi) given the lack of progress on the project to date, the City of Sydney should consider moving forward with developing the Dashboard in its own right; and

(B) the Chief Executive Officer be requested to:

- (i) investigate the possibility of developing and implementing a City of Sydney Dashboard; and
- (ii) report back to Council with the results of that investigation at the earliest opportunity.

The motion was lost on the following show of hands –

Ayes (4) Councillors Chung, Forster, Scott and Vithoulkas

Noes (6) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully and Thalys.

Motion lost.

INDEPENDENT COMMISSION AGAINST CORRUPTION REVIEW OF COUNCIL POLICIES (S129259)

3. Moved by Councillor Chung, seconded by Councillor Forster -

It is resolved that Council:

(A) note:

- (i) the Independent Commission Against Corruption helps NSW public sector agencies and individuals prevent corruption by providing advice and building an agency's resistance to corruption;
- (ii) effective corruption risk management and corruption prevention depends on commitment from Council's leaders, a sound organisational culture, clear and appropriate organisational values and standards and a comprehensive policy framework;
- (iii) Council must continue to take a proactive approach to corruption prevention. Identifying the risks of corruption that Council is exposed to and developing strategies to manage these risks effectively is the first step to preventing corruption;
- (iv) every policy change modifies the internal organisational arrangements; policies and procedures may be altered, duplicated or become inconsistent, often creating confusion around risk-heavy activities such as Councillor Expense Policies and Code of Conduct Policy;
- (v) the Independent Commission Against Corruption is currently reviewing the draft policies of a number of councils in NSW to provide advice on how councils can limit the scope for corruption or misconduct in policy drafting; and
- (vi) seeking an independent corruption prevention review of Council's policies will enhance the transparency of Council's policies and procedures and will ensure that the public can have faith in how Council staff and Councillors conduct themselves; and

(B) request that the Chief Executive Officer (CEO):

- (i) write to the Independent Commission Against Corruption seeking assistance from the Corruption Prevention Division in reviewing the following policies (in order of priority):
 - (a) Draft Councillors' Expenses and Facilities Policy;
 - (b) Code of Conduct;
 - (c) Code of Conduct procedures;
 - (d) Fraud and Corruption Prevention Policy;
 - (e) Fraud and Corruption Internal Reporting Policy;
 - (f) Grants and Sponsorship Policy;
 - (g) Staff Complaints Policy;

- (h) Access to Information Policy;
 - (i) Code of Meeting Practice; and
 - (j) Complaint and feedback procedures;
- (ii) refer other policies to the Independent Commission Against Corruption for analysis each time a policy is redrafted, drafted or reviewed; and
- (iii) provide Council with a copy of the response from the Independent Commission Against Corruption to the CEO's request and a copy of any policy review received from the Independent Commission Against Corruption.

Amendment. Moved by Councillor Phelps, seconded by Councillor Scully –

It is resolved that Council:

(A) note:

- (i) the Independent Commission Against Corruption helps NSW public sector agencies and individuals prevent corruption by providing advice and building an agency's resistance to corruption;
- (ii) effective corruption risk management and corruption prevention depends on commitment from Council's leaders, a sound organisational culture, clear and appropriate organisational values and standards and a comprehensive policy framework;
- (iii) Council must continue to take a proactive approach to corruption prevention. Identifying the risks of corruption that Council is exposed to and developing strategies to manage these risks effectively is the first step to preventing corruption;
- (iv) every policy change modifies the internal organisational arrangements; policies and procedures may be altered, duplicated or become inconsistent, often creating confusion around risk-heavy activities such as Councillor Expense Policies and Code of Conduct Policy;
- (v) the Independent Commission Against Corruption is currently reviewing the draft policies of a number of councils in NSW to provide advice on how councils can limit the scope for corruption or misconduct in policy drafting;
- (vi) seeking an independent corruption prevention review of Council's policies will enhance the transparency of Council's policies and procedures and will ensure that the public can have faith in how Council staff and Councillors conduct themselves; and
- (vii) the Independent Commission Against Corruption has informed the Chief Executive Officer (CEO) that it is not the role of the Independent Commission Against Corruption to generally review policies of local councils;

(B) nonetheless, request that the Chief Executive Officer (CEO):

- (i) provide a briefing to Councillors on Council's Fraud and Corruption Control Strategy;

- (ii) write to the Commissioner of the Independent Commission Against Corruption:
 - (a) requesting that a presentation be given to Councillors about minimising opportunities for corruption at the Council; and
 - (b) seeking assistance from the Corruption Prevention Division in reviewing the following policies (in order of priority):
 - i. Draft Councillors' Expenses and Facilities Policy;
 - ii. Code of Conduct;
 - iii. Code of Conduct procedures;
 - iv. Fraud and Corruption Prevention Policy;
 - v. Fraud and Corruption Internal Reporting Policy;
 - vi. Grants and Sponsorship Policy;
 - vii. Staff Complaints Policy;
 - viii. Access to Information Policy;
 - ix. Code of Meeting Practice; and
 - x. Complaint and feedback procedures;
 - (iii) refer other policies to the Independent Commission Against Corruption for analysis each time a policy is redrafted, drafted or reviewed; and
 - (iv) provide Council with a copy of the response from the Independent Commission Against Corruption to the CEO's request and a copy of any policy review received from the Independent Commission Against Corruption; and
- (C) noting the contribution of the NSW Independent Commission Against Corruption in exposing corruption in the public sector:
- (i) request the Turnbull Liberal Government to establish a well-resourced independent anti-corruption authority at the Commonwealth level; and
 - (ii) condemn the politically motivated restructuring of the NSW Independent Commission Against Corruption, which risks limiting public scrutiny and reducing transparency and accountability.

The amendment was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás

Noes (2) Councillors Chung and Forster.

Amendment carried.

The substantive motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalys and Vitoulkas

Noes (2) Councillors Chung and Forster.

Substantive motion carried.

LIVE STREAMING OF COUNCIL MEETINGS (S129259)

4. Moved by Councillor Chung, seconded by Councillor Forster -

It is resolved that Council:

(A) note:

- (i) live streaming of Council meetings provides access, transparency, accountability, openness and good governance to the conduct of Council meetings;
- (ii) live streaming of Council meetings is an issue of equity and allows those constituents who are unable to attend meetings in person to engage in the democratic process. This is particularly true for women and families, workers who cannot attend meetings at 5.00pm, residents with disability and access issues, residents with childcare obligations, those with transport challenges and business owners who are unable to attend a Council meeting at 5.00pm;
- (iii) utilising Council's Facebook page and other direct channels to publicise the live streaming of Council meetings will immediately expose a large number of constituents and stakeholders to the proceedings of Council;
- (iv) broadcasting is entirely consistent with the long-standing practice of many other NSW metropolitan and regional councils, as well as federal and state parliaments, which televise proceedings in order to make them accessible to all members of the public;
- (v) as a Global City, Sydney is lagging behind the world's leading cities on openness and transparency by not permitting live streaming of Council meetings;
- (vi) live streaming of Council meetings meets the Lord Mayor's stated objectives of being consultative, open, transparent and accountable and reinforces her statement that "Peoples' democratic rights should be defended"; and
- (vii) live streaming provides an archived public record of discussions and resolutions made by Council. It means that all Councillors are equally subject to public scrutiny, which is a fundamental tenet of public office and democracy; and

(B) request that the Chief Executive Officer:

- (i) undertake a 12 month trial of live streaming of all City of Sydney Council meetings, such trial to commence no later than May 2017;

- (ii) ensure all live streams are archived permanently for direct public access from Council's website;
- (iii) widely publicise the trial for a period of no less than 12 months with a permanent and prominent first page notice on Councils' website, letter box drops to all residents and businesses, social media and other appropriate media;
- (iv) ensure that the words of each speaker are clear and audible to all viewers listening to the broadcast; and
- (v) amend the City of Sydney Code of Meeting Practice to enable the live streaming of Council meetings.

The motion was lost on the following show of hands –

Ayes (4) Councillors Chung, Forster, Scott and Vitoulkas

Noes (6) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully and Thalys.

Motion lost.

Extension of Time

During discussion on this matter, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was –

Moved by the Chair (the Lord Mayor), seconded by Councillor Forster -

That Councillor Chung be granted an extension of time of two minutes to speak on this matter.

Carried.

RESTAURANT COMPOSTING (S129266)

5. Moved by Councillor Scott, seconded by Councillor Miller -

It is resolved that Council:

(A) note:

- (i) according to the City of Sydney's website, almost "50 per cent of Sydney's waste is generated from the commercial and industrial sectors, yet only 28 per cent of this waste is recycled";
- (ii) according to Destination NSW's website www.sydney.com, there are some 658 restaurants listed in Sydney City;
- (iii) according to www.goodfood.com.au, the average Australian restaurant or café bins 120g of every plate of food it serves, or the equivalent of 250,000 tonnes of food waste each year; and
- (iv) the City's existing efforts to facilitate community composting; and

- (B) request the Chief Executive Officer to assess the viability of establishing a trial of an opt-in green waste and compost service for the City's businesses and residents.

Variation. At the request of Councillor Miller, and by consent, the motion was varied such that it read as follows:

It is resolved that Council note that:

- (A) according to the City of Sydney's website, almost "50 per cent of Sydney's waste is generated from the commercial and industrial sectors, yet only 28 per cent of this waste is recycled";
- (B) according to Destination NSW's website www.sydney.com, there are some 658 restaurants listed in Sydney City;
- (C) according to www.goodfood.com.au, the average Australian restaurant or café bins 120g of every plate of food it serves, or the equivalent of 250,000 tonnes of food waste each year;
- (D) the City's existing efforts to facilitate community composting; and
- (E) the draft Waste Strategy, which will be presented to Council shortly, will assess and recommend actions to improve food and organic waste recovery.

The motion, as varied by consent, was carried.

SMART PHONE LOAN PROGRAM FOR ROUGH SLEEPERS (S129266)

6. By Councillor Scott -

It is resolved that Council:

- (A) note:
 - (i) on the night of the February 2017 City of Sydney Street Count, 9% of crisis accommodation beds were not occupied;
 - (ii) the briefing Councillors received on homelessness from NSW Police, NSW Family and Community Services and the City's Homelessness Unit, on Monday, 13 February 2017; and
 - (iii) during the 13 February briefing, Councillors were advised, among other things, that homelessness services could not always fill crisis accommodation because services often had no immediate way to contact the relevant individuals; and
- (B) request the Chief Executive Officer to assess the viability of establishing a smart phone loan program for rough sleepers with the function of:
 - (i) receiving donated smart phones from individuals and businesses; and

- (ii) loaning them to rough sleepers for the purposes of receiving updates as to available crisis accommodation as well as other support services, for a period until they are assigned accommodation.

Note – at the meeting of Council, the content of the original Notice of Motion was varied by Councillor Scott. Subsequently, it was:

Moved by Councillor Scott, seconded by Councillor Scully –

It is resolved that Council:

(A) note:

- (i) on the night of the February 2017 City of Sydney Street Count, 9% of crisis accommodation beds were not occupied;
- (ii) the briefing Councillors received on homelessness from NSW Police, NSW Family and Community Services and the City's Homelessness Unit, on Monday, 13 February 2017;
- (iii) during the 13 February briefing, Councillors were advised, among other things, that homelessness services could not always fill crisis accommodation because services often had no immediate way to contact the relevant individuals; and
- (iv) research has found high rates of mobile phone ownership amongst rough sleepers, but issues with access to charging and funds to pay for usage; and

(B) request the Chief Executive Officer to:

- (i) explore options for the establishment of a communication support program to improve access to mobile phone charging and use for rough sleepers with the NSW Government and local service providers, with the aim of connecting them to crisis accommodation as well as other support services; and
- (ii) report back via the CEO update with options and actions taken by the City to progress options.

Carried unanimously.

CRAFT BEER (S129266)

7. Moved by Councillor Scott, seconded by Councillor Chung -

It is resolved that Council:

(A) note:

- (i) that, according to the IBISWorld Industry Report, Craft Beer Production in Australia, the craft beer industry will grow by 5% over the next five years;
- (ii) that, according to Australian Beer International, the Craft Beer Industry is worth approximately \$400 million;

- (iii) that, according to the Australian Bureau of Statistics, consumption of beer decreased by 7% between 2009 and 2014; and
 - (iv) that the growth of craft beer has coincided with the overall decrease in the consumption of beer; and
- (B) request that the Chief Executive Officer consult with the City's craft beer and micro-breweries to examine the impact of the City's planning approval process on their businesses.

Foreshadowed Motion. Councillor Thalís foreshadowed that, should the motion moved by Councillor Scott be lost, he would move the following alternative motion.

It is resolved that Council note that:

- (A) according to the IBISWorld Industry Report, Craft Beer Production in Australia, the craft beer industry will grow by 5% over the next five years;
- (B) according to Australian Beer International, the Craft Beer Industry is worth approximately \$400 million;
- (C) the City's planning controls permit craft breweries in a range of areas, but higher land costs and fewer suitable sites for breweries mean development of Sydney's craft breweries is mostly occurring outside of the City in cheaper industrial zones;
- (D) there are very few craft breweries in the City and they are generally secondary to other uses, such as pubs and restaurants, in contrast to many craft breweries outside of the City;
- (E) the City has supported the development of a varied mix of venues, such as small bars, to build a diverse, prosperous, eclectic, active, safe and unique night time culture, which may include a craft brewery; and
- (F) the City has not received any representations about planning barriers to craft breweries, but continues to receive representations from small bar operators about the State Government's liquor licensing laws which is the focus of the City's advocacy.

The motion moved by Councillor Scott was lost on the following show of hands –

Ayes (4) Councillors Chung, Forster, Scott and Vithoukás

Noes (6) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully and Thalís.

Motion lost.

Councillor Thalís then moved his foreshadowed motion, seconded by Councillor Scully.

Carried unanimously.

Vote of Thanks

At this stage of the meeting, the Chair (the Lord Mayor) advised that Jenny Davis, who has been a Committee Secretary at Council for 18 years, has announced her retirement as from 31 March 2017. The Chair (the Lord Mayor) thanked Jenny very much for her work over those years.

All Councillors supported the Lord Mayor's remarks by acclamation.

At 8.25pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 15 May 2017 at which
meeting the signature herein was subscribed.